

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

ROBERT E. SMITH,

Plaintiff,

vs.

CHANTAY GODERT, et al.,

Defendants.

Case No. 2:18-cv-00050-JAR

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Robert E. Smith's motion to appoint counsel (Docket No. 10) and motion to accept declaration (Docket No. 14). For the reasons discussed below, the Court will deny both motions.

Plaintiff has filed a motion to appoint legal counsel. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Plaintiff has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor legal issues in this case appear to be unduly complex. The Court will entertain future motions for appointment of counsel as the case progresses.


Plaintiff has also filed a motion to accept declaration, asking the Court to accept his statement of facts relating to the status of his confinement since his case has been filed. Unless an affidavit or declaration is attached to a motion as an exhibit, the Court does not accept discovery as a separate filing. *See* E.D. Mo. L.R. 26 – 3.02. As such, plaintiff's motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel (Docket No. 10) is **DENIED** at this time.

IT IS FURTHER ORDERED that plaintiff's motion to accept declaration (Docket No. 14) is **DENIED**.

Dated this 14th day of September, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE